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April 17, 1952
4:55 p.m.

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FROM: Paris

TO: Secretary of State

NO: 6372, April 17, 8 p.m.

PRIORITY.

SENT DEPT 6372, RPTD INFO LONDON 1748.

EXCON.

Ref DEPTTEL 5107 to London Apr 9, rptd Paris 5998, and EMBTEL 6262, April 10, rptd London 1714.

1. With respect to prior commitments prob, USDEL considers that, altho desirable from strategic and US polit viewpoint to prevent delivery almost all prior commitments, recent history shows this is not (rpt not) possible unless other govts alter their firmly expressed positions, and that such a change cannot (rpt not) be expected. Practical prob which US faces, therefore, as we see it, is to examine commitments carefully in order select those of relatively higher importance and, considering all aspects, determine whether convincing case can be made to warrant US intervention with some hope that shipment cld be stopped. USDEL believes such examination must cover all aspects; i.e., not (rpt not) only relative strategic importance of particular embargo items but also quid pro quo aspect and significance of non-fulfillment of the commitments. (Paris EXCON panel comments and questions on UK case reflect gen agrmt that all such aspects shld be reviewed). USDEL further believes that, if evidence indicates US intervention wld not (rpt not) succeed, there is little to be gained and perhaps much lost if we press this issue with other PC's whose hostility toward Battle Act and firm attitudes re fulfilling prior commitments are well known. Repetition of unsuccessful interventions such as Neth oil equip case wld only appear to weaken usefulness of Battle Act as instrument for strengthening controls and increase opposition to US proposals in COCOM. Experience in COCOM indicates little chance US proposals will be adopted unless they are reasonable and well documented, and we believe this applies equally if bilateral proposal made to prevent fulfillment of prior commitments.

2. USDEL considers that determination whether US shld request UK to prevent delivery prior commitments shld take into acct factors such as: folr:

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Corrected Page 2 & 3

Action

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April 17, 8 p.m., from Paris

(A) UK has stated its view positively in CG and in COCOM (see Paras 71 and 5 Annex B, Doc 571) that "very strong reasons" are required to prevent fulfillment prior commitments, in view of possible repercussions (polit as well as econ), and has further stated that UK def and econ experts have carefully reviewed these commitments and "decided" their export shld be permitted. Consequently, we feel that if US requests action to stop shipments (or asks questions implying that) and fails to give strong and specific reasons to justify non-delivery, UK will properly consider that its explanations have been ignored, its judgment questioned and that issue of basic principle has been raised.

(B) USDEL understands from Embassy London off that UK has refused delay deliveries scheduled before May, as requested bilaterally by US (DEPTELS 4376, Jan 28 to Paris and 3613, Jan 31 to London), and this appears further illustrate firmness of UK position and apparent UK conviction that there is no (rpt no) real question about granting Battle Act exception in these cases. Latter view re prior commitments also appears widely shared among NATO countries. Accordingly, even if US were prepared to carry thru on terminating aid, it appears that most effective tactic with NATO countries will be to emphasize voluntary cooperation on basis frank discussion of US polit and security interests.

(C) Whole record of past negots with UK in Paris and London re strategic importance of individual items appears to support conclusion that UK will not (rpt not) be dissuaded from its policy on prior commitments unless, in particular case, reasons we advance are in terms of high strategic uses of item in sense of fairly direct relationship to ml potential rather than only to "dual" mil-indus production. Issue for US is not (rpt not) whether UK or other PC's recognize embargo importance of these items, which they do, but whether they wld recognize item to be of such high significance to bloc war potential that an exception wld appear unjustified despite the special circumstances involved. (In this context, we doubt whether generalization in ref DEPTEL re importance of Pol iron and steel indus will get very far, expecially since neither iron ore nor most steels appear on intl control lists and equip involved is mainly for earlier stages iron and steel production.)

(D) At last CG mtg, UK emphasized that US and other PC's as well as multilateral control prog wld suffer if Sov bloc given opportunities exploit propaganda line that master-servant relationship exists between US and its allies. Recent ECE and Moscow conf have illustrated Sov concentration on this line. Recognizing that UK wld be concerned about domestic polit repercussions if it prevented fulfillment commitments to Pol and Pol charged action taken under pressure Battle Act, we believe UK wld

SECRET SECURITY INFORMATION

881074-160

SECRET SECURITY INFORMATION

-3- 6372, April 17, 8 p.m., from Paris

believe UK wld. feel it must be able to advance special and locally acceptable reasons for taking such action (e.g., needs of its own def. prog.). Difficult put such reasons forward however when commitments consist of equip made to special specifications for Pol or when quantities involved (e.g., four drilling machines) are relatively small.

3. Altho REFTEL only asks Embassy London seek info from UK at this time, it indicates as background US view (possibly tentative) that US shld intervene with UK to prevent fulfillment of certain commitments which represent largest part by value of all outstanding UK commitments. At same time, msg does not (rpt not) indicate nature, timing, forcefulness, and special justification of whatever intervention may be contemplated. For reasons stated Para 2, USDEL believes careful consideration shld be given to details of intervention in order enhance possibility of successful outcome and minimize possible repercussions on this or other security program. Specifically, USDEL wld recommend that US make quite clear to UK what attitude US auths take on certain items where available info is adequate and why particular questions are asked at this time on other items. For example:

(A) If US foresees little or no (rpt no) difficulty in justifying exception for certain items on basis available info, or needs additional incidental infor to help US document the case, UK shld be so informed at time request made for any additional info:

(B) If US considers that available info already sufficient to indicate that an exception wld be difficult to justify on its own intrinsic merits (i.e., in specific context of strategic importance of item or quantity, adequacy of quid pro quo, and feasibility of refusing to fulfill prior commitments), UK shld be so informed and US shld advance best possible case why UK shld cooperate either by changing to decision that commitment must be fulfilled or by providing US with better justification for shipment; and

(C) If US needs further basic info in order decide whether case falls under (A) or (B) above, specific questions hld be asked and UK shld be informed, if possible at time questions asked, that answer of one sort wld lead us to put item under (A) and of another sort to consider whether it falls under (B).

4. Re locomotives, USDEL understands UK del has already received some info from London which he will include in report to COCOM on policies being followed on List II exports (EMBTel 6170, Apr 8). Believe

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SECRET SECURITY INFORMATION

881074-161

SECRET SECURITY INFORMATION

- 4 - 6372, April 17, 8 p.m., from Paris.

Apr 8). Believe UK report may be submitted soon with COCOM discussion on these reports not (rpt not) expected until mid-May.

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Note: *As received; repetition has been requested.

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SECRET SECURITY INFORMATION

881074-162